

REMARKS/ARGUMENTS

Claims 13-22 are pending. Claims 1-12 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 8-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,743,815 (hereinafter "Helderman"). Claims 8-12 have been cancelled. New Claim 13 requires a coded element mounted on a resiliently-mounted diaphragm which has some freedom to flex within the capsule. Support for this limitation is found at least at page 3, line 17 *et seq* of the specification. Using this configuration, an impact from a golf club is not transmitted directly to the coded device (which is held apart from the capsule material) but only through the diaphragm. Therefore, the diaphragm protects the coded device as described at page 3, lines 17-18.

This configuration is in direct contrast with the prior art devices which aim to provide cushioning materials tightly packed around the coded device to absorb part of the impact. However, because the impact of a golf club is large, only limited protection is provided for the coded device. Specifically, Helderman describes a device in which a continuous mass of material is formed by tube 18, silicone tubing 22, glass 16 and transponder 14. There is no relative movement to protect the coded device/ transponder 14 and, indeed, a spacer is provided to ensure that tube 18 cannot move to close the slit 20 (see Helderman, column 3, lines 38 to 41). Thus, Helderman does not teach or suggest a resiliently mounted diaphragm.

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Reply to Office Action mailed October 19, 2004

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 1-7 under 35 U.S.C. § 103(a) as being obvious over Helderman in view of U.S. Patent No. 6,021,949 (hereinafter "Boiron"). Claims 1-7 have been cancelled. As noted above, Helderman does not teach or suggest a resiliently mounted diaphragm. Boiron does not overcome this deficiency of Helderman. Neither of these references either alone or combined teach or suggest all of the limitations of new claims 13-22.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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